Elizabeth Rojas 15060 Ventura Blvd. Suite 240

Sherman Oaks, CA 91403 Telephone: (818) 933-5700 Facsimile: (818) 933-5755

UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SAN FERNANDO VALLEY DIVISION	
IN RE	CHAPTER 13
Cynthia Lynn Pachorek	CASE NO. SV14-14061-AA
Cynula Lynn i donorek	TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN; DECLARATION; NOTICE OF POSSIBLE DISMISSAL OR CONVERSION
DEBTOR	DATE/TIME: November 6, 2014 10:00 am 21041 Burbank Blvd. Courtroom 303 Woodland Hills, CA 91367-1367

The Trustee objects to confirmation of the plan because all requirements for confirmation as set forth in Title 11 of the United States Code and the Rules have not been met.

The Trustee requests, should all requirements not be met, that confirmation of the plan be denied, the case be dismissed or converted to Chapter 7 and for such other relief as the Court may deem appropriate.

THE FAILURE OF THE DEBTOR (OR THE ATTORNEY FOR THE DEBTOR) TO APPEAR AT THE CONFIRMATION HEARING, OR TO FULLY COMPLY WITH ALL REQUIREMENTS FOR PLAN CONFIRMATION, MAY RESULT IN DISMISSAL OR CONVERSION OF THE CASE.

DATED: October 21, 2014 /s/ Elizabeth Rojas

## I, Elizabeth Rojas, declare as follows:

- I am the Trustee in this matter, Cynthia Lynn Pachorek, SV14-14061-AA, and I have personal
  knowledge of files and records kept by my office in the regular course of business. I have personally
  reviewed the files and records kept by my office in the within case. The following facts are true and
  correct and within my own personal knowledge and I could and would testify competently thereto if
  called upon to do so.
- 2. I object to confirmation of the proposed plan because of the deficiencies set forth in the attached which is incorporated herein by reference. These deficiencies existed prior to or at the time of the 11 USC §341(a) meeting in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sherman Oaks, California on October 21, 2014.

/s/ Elizabeth Rojas

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SV14-14061-AA Cynthia Lynn Pachorek

I oppose plan confirmation because the **Debtor has failed to**: schedule debts within the limits of 11 USC §109(e); and therefore ineligible; and/or Debtor is not eligible to be a Chapter 13 Debtor as follows: disclose [11 USC §521, LBR 1017-1(b)] assets creditors income prior case serve all creditors with notice and the Plan at least 28 days before the 11 USC §341 (a) Meeting of Creditors, FRBPs 2002(b), 7004 and LBR 3015-1(b)(3); provide the Trustee documentation of all income (as well as any contributor's income) seven days before the §341(a) Meeting of Creditors. LBR 3015-1(c)(3), 11 USC § 521; meet the **business reporting requirements** regarding Debtor's business or self-employment, LBR 3015-1(c)(4); provide to the Trustee completed copies of the Federal and State income tax returns, 11 USC § § 1308 and 521, LBR 3015-1(c)(3). x propose a plan that is feasible 11 USC § 1325(a)(6); the plan is **infeasible** because certain claims are not included and/or the amount provided is insufficient Creditor Acct # <u>Class</u> <u>Claim</u> <u>Plan</u> Ford 7999 4/S \$326 arrears \$0 no prov'n-lease income is not sufficient enough to fund it plan payment will not retire debt within term | x | the plan does not propose treatment and/or properly treat all scheduled, priority and/or secured creditors; and/or plan deficiencies as follows: - rs on Ford lease not provided for in plan - Secured and/or Priority creditor(s), listed on schedules, not treated in plan **Ford** propose a plan that represents the Debtor's **best effort** 11 USC §1322; 11 USC §1325 - Joint debtor/spouse income not disclosed | unreasonable and/or unnecessary expenses are scheduled - Debtor to file declaration w/ Court w/ annotated evidence attached explaining expenses: \$1,150 food/housekeeping (for 1), \$200 clothes, \$533 medical/dental, \$150 entertainment, \$460 transportation (for 1) x the budget surplus exceeds the monthly plan payment - Surplus income per evidence - Surplus: \$530 (debtor: \$5,091/mo net avg (paid bi-weekly) vs. \$4,615 scheduled, ytd higher) comply with the Means Test as required by the Code, In re Kagenveama, 541 F3d 868, and/or In re Lanning, 1330 S.Ct.2464

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- Page 3 of 4 propose a plan that provides creditors as much as would be received under **Chapter 7** 11 USC §1325(a)(4).
  - Secured and/or Priority creditor(s), listed on schedules, not treated in plan Ford
- x other issues as stated below:
  - Trustee to request interlineations that all tax returns be submitted to the Trustee; all tax refunds to be submitted into the plan and the Debtor will not incur debt greater than \$500 without Court permission.

## **PROOF OF SERVICE**

In Re: Cynthia Lynn Pachorek
Case No. SV14-14061-AA

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

Elizabeth Rojas 15060 Ventura Blvd. Suite 240

Sherman Oaks, CA 91403

The foregoing document described as **TRUSTEE'S OBJECTION TO CONFIRMATION**; **NOTICE OF POSSIBLE DISMISSAL OR CONVERSION** will be served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

On October 21, 2014, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, addressed as follows. Listing the judge here constitues a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Cynthia Lynn Pachorek 10707 Camarillo Street, Unit 217 North Hollywood, CA 91602

ERCOLANI LAW GROUP 4195 E. THOUSAND OAKS BLVD STE# 175 WESTLAKE VILLAGE, CA 91362

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: October 21, 2014 /s/ Patricia Trujillo